UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/749,473	12/31/2003	Kavin Du	121532	3931

26389 7590 04/29/2008

CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC
1420 FIFTH AVENUE
SUITE 2800
SEATTLE, WA 98101-2347

EXAMINER	
SERRAO, RANODHI N	

ART UNIT	PAPER NUMBER
2141	

MAIL DATE	DELIVERY MODE
04/29/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/749,473	DU ET AL.	
	Examiner	Art Unit	
	RANODHI N. SERRAO	2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 March 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-10 and 12-35* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10 and 12-35* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 17 March 2008 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 1-10 and 12-35 have been considered but are moot in view of the new ground(s) of rejection.

3. The applicant argued in substance the newly added limitations of independent claims 1, 12, 22 and 30. However, the new grounds teach these and the added features. See rejections below.

Claim Rejections - 35 USC § 103

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claim 1, 12, 22, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bernard et al. (5,918,213) and Kinjo (2003/0063575).

6. As per claim 1, Bernard et al. teaches a method for communicating information regarding a selected item to a user present at a location of a first retail entity from a second retail entity different from the first retail entity (see Bernard et al., col. 53, lines 34-42), wherein the selected item is available for purchase at the second retail entity (see Bernard et al., col. 53, lines 27-33), the method comprising: while the user remains present at the location of the first retail entity, the second retail entity: receiving a bar code directly from a bar-code scanner of the user, wherein the bar-code contains identifying data associated with the selected item as provided by the first retail entity (see Bernard et al., col. 53, line 65-col. 54, line 6 and col. 54, lines 28-50); using the identifying data to obtain item information associated with the selected item (see Bernard et al., col. 54, lines 28-50), wherein the selected item is available for purchase from the second retail entity (see Bernard et al., col. 53, lines 53-64); and communicating the item information directly from the second retail entity to the scanning device of the user (see Bernard et al., col. 54, lines 28-50). But fails to teach receiving an image from the user using an imaging device, wherein the image contains identifying data associated with the selected item as provided by the first retail entity; extracting the identifying data from the image. However, Kinjo teaches receiving an image from the user using an imaging device, wherein the image contains identifying data associated with the selected item as provided by the first retail entity (see Kinjo, ¶ 134); extracting the identifying data from the image (see Kinjo, ¶ 34). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Bernard et al. to receiving an image from the user using an imaging device, wherein the image contains

identifying data associated with the selected item as provided by the first retail entity; extracting the identifying data from the image in order to provide an order processing apparatus and an image photographing device with which a customer can easily place an order corresponding to images displayed on a display medium (see Kinjo, ¶ 8).

7. As per claim 12, Bernard et al. teaches a system for communicating information regarding a selected item to a user present at a location of a first retail entity (see Bernard et al., col. 53, lines 34-42), wherein the system comprises a server operated by a second retail entity that is different than the first retail entity (see Bernard et al., col. 20, lines 48-64) and the selected item is available for purchase at the second retail entity (see Bernard et al., col. 53, lines 27-33), the server comprising: a subsystem configured to receive a bar-code directly from a scanning device of the user, wherein the bar-code contains identifying data associated with the selected item as provided by the first retail entity (see Bernard et al., col. 53, line 65-col. 54, line 6 and col. 54, lines 28-50); a subsystem configured to use the identifying data to obtain item information associated with the selected item (see Bernard et al., col. 54, lines 28-50), wherein the item information is obtained from at least one resource (see Bernard et al., col. 53, lines 53-64); and a subsystem configured to communicate the item information directly to the scanning device of the user while the user remains present at the location of the first retail entity (see Bernard et al., col. 54, lines 28-50). But fails to teach a server being in communication with an imaging device of the user that is configured to capture an image of identifying data associated with the selected item; a subsystem configured to extract the identifying data from the image. However, Kinjo teaches a server being in

communication with an imaging device of the user that is configured to capture an image of identifying data associated with the selected item (see Kinjo, ¶ 132-134); a subsystem configured to extract the identifying data from the image (see Kinjo, ¶ 34). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Bernard et al. to the server being in communication with an imaging device of the user that is configured to capture an image of identifying data associated with the selected item; a subsystem configured to extract the identifying data from the image in order to provide an order processing apparatus and an image photographing device with which a customer can easily place an order corresponding to images displayed on a display medium (see Kinjo, ¶ 8).

8. As per claim 22, Bernard et al. teaches a computer-readable storage medium having a computer-executable component for communicating item information for a selected item to a user present at a location of a first retail entity (see Bernard et al., col. 53, lines 34-42), wherein the selected item is available for purchase at a second retail entity that is different than the first retail entity (see Bernard et al., col. 53, lines 27-33), and wherein the computer-executable component is executed by a server of the second retail entity (see Bernard et al., col. 20, lines 48-64) and communicates the item information by: receiving a bar-code directly from an scanning device of the user, said bar-code containing identifying data associated with the selected item made available at the location of the first retail entity (see Bernard et al., col. 53, line 65-col. 54, line 6 and col. 54, lines 28-50); using the identifying data to obtain item information associated with the selected item (see Bernard et al., col. 54, lines 28-50); and communicating the item

information directly from the server to the scanning device of the user while the user remains present at the location of the first retail entity (see Bernard et al., col. 54, lines 28-50). But fails to teach receiving an image from an imaging device of the user; extracting the identifying data from the image. However, Kinjo teaches receiving an image from an imaging device of the user (see Kinjo, ¶ 132-134); extracting the identifying data from the image (see Kinjo, ¶ 34). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Bernard et al. to receiving an image from an imaging device of the user; extracting the identifying data from the image in order to provide an order processing apparatus and an image photographing device with which a customer can easily place an order corresponding to images displayed on a display medium (see Kinjo, ¶ 8).

9. As per claim 30, Bernard et al. teaches an integrated portable apparatus for obtaining item information for a selected item available for purchase at a location of a first retail entity (see Bernard et al., col. 53, lines 34-42), the apparatus comprising: an input device for capturing an bar-code that contains identifying data associated with the selected item as provided by the first retail entity (see Bernard et al., col. 53, line 65-col. 54, line 6 and col. 54, lines 28-50); an output device for outputting item information for the selected item as obtained from a second retail entity that is different than the first retail entity; a storage medium for storing said identifying data and program instructions for processing the bar-code (see Bernard et al., col. 53, lines 27-33); and a processing unit communicatively coupled to the input device, the output device, and the storage medium, for executing the program instructions that process the bar-code by: obtaining

the item information for the selected item by communicating the bar-code containing the identifying data directly to a server operated by the second retail entity (see Bernard et al., col. 20, lines 48-64), wherein the selected item is available for purchase from the second retail entity (see Bernard et al., col. 53, lines 27-33); and outputting on the output device the item information obtained directly from the server of the second retail entity, wherein the output device communicates the item information to a user while the user remains at the location of the first retail entity (see Bernard et al., col. 54, lines 28-50). But fails to teach an input device for capturing an image that contains identifying data associated with the selected item; a storage medium for storing said identifying data and program instructions for processing the image; and a processing unit communicatively coupled to the input device, the output device, and the storage medium, for executing the program instructions that process the image by obtaining the item information for the selected item by: communicating the image containing the identifying data. However, Kinjo teaches an input device for capturing an image that contains identifying data associated with the selected item (see Kinjo, ¶ 132-134); a storage medium for storing said identifying data and program instructions for processing the image; and a processing unit communicatively coupled to the input device, the output device, and the storage medium, for executing the program instructions that process the image by: obtaining the item information for the selected item by communicating the image containing the identifying data (see Kinjo, ¶ 135-137). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Bernard et al. to an input device for capturing an image that contains

identifying data associated with the selected item; a storage medium for storing said identifying data and program instructions for processing the image; and a processing unit communicatively coupled to the input device, the output device, and the storage medium, for executing the program instructions that process the image by: obtaining the item information for the selected item by communicating the image containing the identifying data in order to provide an order processing apparatus and an image photographing device with which a customer can easily place an order corresponding to images displayed on a display medium (see Kinjo, ¶ 8).

10. Claims 2, 4-10, 13, 14, 29, and 31-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bernard et al. and Kinjo as applied to claims 1, 12, 22, and 30 above, and further in view of Siegel et al. (2002/0082931).

11. As per claim 2, Bernard et al. and Kinjo teach the mentioned limitations of claim 1 above but fail to teach a method, further comprising formatting the item information for output on a visual display of the imaging device when the item information is communicated from the second retail entity to the imaging device. However, Siegel et al. teaches a method, further comprising formatting the item information for output on a visual display of the imaging device when the item information is communicated from the second retail entity to the imaging device (see Siegel et al., ¶ 70). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Bernard et al. and Kinjo to a method, further comprising formatting the item information for output on a visual display of the imaging device when the item information is

communicated from the second retail entity to the imaging device in order to enable users to obtain information regarding a retailable or consumer product on the basis of encoded information, for example, on the product itself or its associated packaging or advertisements (see Siegel et al., ¶ 1).

12. As per claims 4-10, 13, 14, 29, and 31-35, the above-mentioned motivation of claim 2 applies fully in order to combine Bernard et al., Kinjo and Siegel et al.

13. As per claim 4, Bernard et al., Siegel et al., and Kinjo teach a method, wherein the imaging device is a digital camera capable of communicating the image containing the identifying data (see Siegel et al., ¶ 34).

14. As per claim 5, Bernard et al., Siegel et al., and Kinjo teach a method, wherein the imaging device is a mobile telephone having a component for capturing an image containing the identifying data (see Siegel et al., ¶ 37).

15. As per claim 6, Bernard et al., Siegel et al., and Kinjo teach a method, wherein the imaging device is a portable computing device having a component for capturing an image containing the identifying data (see Siegel et al., ¶ 37).

16. As per claim 7, Bernard et al., Siegel et al., and Kinjo teach a method, wherein the method further comprises: compiling historical data based on a number of times an image has been received from different imaging devices, said image containing identifying data associated with the selected item; using the historical data to estimate consumer demand for the selected item; and generating a report that forecasts future purchasing activity for the selected item based on the estimated consumer demand (see Siegel et al., ¶ 64).

17. As per claim 8, Bernard et al., Siegel et al., and Kinjo teach a method, wherein the item information comprises rating information for the selected item associated with the identifying data (see Siegel et al., ¶ 57).

18. As per claim 9, Bernard et al., Siegel et al., and Kinjo teach a method, wherein the item information comprises price information for the selected item associated with the identifying data (see Siegel et al., ¶ 57).

19. As per claim 10, Bernard et al., Siegel et al., and Kinjo teach a method, wherein the identifying data comprises a universal product code (see Siegel et al., ¶ 46).

20. As per claim 13, Bernard et al., Siegel et al., and Kinjo teach a system, wherein the resource is a Web service providing information related to the selected item (see Siegel et al., ¶ 48).

21. As per claim 14, Bernard et al., Siegel et al., and Kinjo teach a system, wherein the resource is a database storing information related to the selected item (see Siegel et al., ¶ 48).

22. As per claim 29, Bernard et al., Siegel et al., and Kinjo teach a computer-readable storage medium, wherein extracting identifying data associated with the selected item from the image includes processing the image with an optical character recognition program to produce the identifying data (see Siegel et al., ¶ 67).

23. As per claim 31, Bernard et al., Siegel et al., and Kinjo teach an apparatus, wherein the processing unit further executes program instructions that process the image by extracting the identifying data from the image (see Siegel et al., ¶ 48).

24. As per claim 32, Bernard et al., Siegel et al., and Kinjo teach an apparatus, wherein the identifying data is barcode data and the processing unit extracts the barcode data by executing a barcode recognition program that operates on the image (see Siegel et al., ¶ 28).

25. As per claim 33, Bernard et al., Siegel et al., and Kinjo teach an apparatus, wherein the identifying data is text data and the processing unit extracts the text data by executing an optical character recognition program that operates on the image (see Kinjo, ¶ 124).

26. As per claim 34, Bernard et al., Siegel et al., and Kinjo teach an apparatus, wherein the processing unit communicates the image to the server operated by the second retail entity at a location remote from the first retail entity, for the server to extract the identifying data from the image (see Siegel et al., ¶ 54-55).

27. As per claim 35, Bernard et al., Siegel et al., and Kinjo teach an apparatus, wherein the item information for the selected item is obtained by retrieving item information from a database maintained on behalf of the second retail entity, wherein the item information corresponds to the identifying data for the selected item (see Siegel et al., ¶ 56-59).

28. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bernard et al. and Kinjo as applied to claim 1 above, and further in view of Fitzsimmons, JR. (2002/0068991). Bernard et al. and Kinjo teach the mentioned limitations of claim 3 above and Kinjo furthermore teaches an imaging device (see Kinjo, ¶ 132-134) and

Bernard et al. furthermore teaches item information communicated from the second retail entity to a scanning device (see Bernard et al., col. 54, lines 28-50). But fail to teach a method, further comprising formatting the item information for output on an audio speaker of the imaging device. However, Fitzsimmons, JR. teaches a method, further comprising outputting the item information on an audio speaker of the imaging device (see Fitzsimmons, JR., ¶ 6). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Bernard et al. and Kinjo to a method, further comprising formatting the item information for output on an audio speaker of the imaging device in order to improve methods and apparatus for enriching the experience of a visitor to a display facility or other public space (see Fitzsimmons, JR. ¶ 5).

29. Claims 15-21 and 23-28 have similar limitations as to claims 1-10, 12-14, 22, and 29-35 therefore, they are being rejected under the same rationale.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ranodhi Serrao whose telephone number is (571)272-7967. The examiner can normally be reached on 8:00-4:30pm, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571)272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/R. N. S./

Examiner, Art Unit 2141

4/21/2008

/William C. Vaughn, Jr./

Supervisory Patent Examiner, Art Unit 2144